

# RECLAMATION

*Managing Water in the West*

## **Conveyance of the Newlands Project Headquarters and Maintenance Yard Facility Environmental Assessment**



**U.S. Department of the Interior  
Bureau of Reclamation  
Lahontan Basin Area Office  
705 N. Plaza, Suite 320  
Carson City, NV 89701**

**November 2007**

**ADMINISTRATIVE DRAFT  
ENVIRONMENTAL ASSESSMENT**

**CONVEYANCE OF THE NEWLANDS PROJECT  
HEADQUARTERS AND MAINTENANCE YARD  
FACILITY**

Churchill County, Nevada

U.S. Bureau of Reclamation  
Lahontan Basin Area Office  
Carson City, Nevada

November 2007

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## **1.0 INTRODUCTION**

### **1.1 Background**

The Newlands Project Headquarters and Maintenance Yard Facility (Project Headquarters) is located in Fallon, Nevada and is a feature of the Bureau of Reclamation (Reclamation) Newlands Project. The Newlands Project provides water from the Truckee and Carson Rivers for irrigation of approximately 57,000 acres in the Lahontan Valley near Fallon and Fernley in western Nevada.

Since August 1972, Reclamation has leased the use of the Project Headquarters site to their Operations and Maintenance Contractor, the Truckee-Carson Irrigation District (District). The District uses the site for their headquarters office and administration building and operations and maintenance yard. The District is a political subdivision of the State of Nevada, organized and chartered in 1918 for the purpose of representing the water right holders within the boundaries of the Newlands Project related to Project operations. The District employs more than 50 people and works with individual water right holders in accordance with government regulations.

Reclamation has undertaken a program to transfer title of agency facilities that are not of national importance and could be efficiently and effectively managed by non-federal entities. The August 7, 2005 Framework for the Transfer of Title of the Bureau of Reclamation Projects is located in Appendix A. This Environmental Assessment (EA) analyzes the effects of transferring the Project Headquarters out of federal ownership to the District. Transfer of the Project Headquarters would allow the District to expand its offices and make permanent improvements to accommodate the District's growth and make more efficient the delivery of water to the water users within the Newlands Project.

### **1.2 Title Transfer Authorization**

Public Law 109–265, dated August 3, 2006, directs Reclamation to convey the Newlands Project Headquarters and Maintenance Facility from Reclamation to the Truckee-Carson Irrigation District (Appendix B). The law states that the Secretary of the Interior (through the Bureau of Reclamation) is directed to convey to the District all right, title, and interest of the United States in the real property known as “2666 Harrigan Road, Fallon, Nevada”, and identified for disposition as the Newlands Project Headquarters and Maintenance Yard Facility.

### **1.3 Site Location and Description**

The Project Headquarters site is located in Churchill County at 2666 Harrigan Road in Fallon, Nevada. The property is 40.53 acres in size. Transfer of title to the District is proposed for 37.03 acres, including office, storage, and maintenance buildings. Reclamation would retain the other 3.5 acres for its Fallon Field Office. The 40.53-acre site is located on Reclamation withdrawn land on the USGS Fallon quadrangle map in the NE ¼ of the SE ¼ of Section 6, T. 18 N., R. 29 E., M. D. B. & M.

The 40.53 acre site is entirely fenced by means of chain-link topped with barbwire. The site consists of primarily bare ground maintenance yards, dirt roads, dirt, paved and gravel parking areas, rock and dirt stockpile areas, and vegetated areas of mostly dense weed patches interspersed with some native upland desert plant species. Equipment storage areas are scattered throughout the property. There are numerous facilities on the 37.03 acres that would be conveyed to the District including: Truckee-Carson Irrigation District headquarters office, shop building, carpenter shop, water tank, above ground open fuel tanks and tank convaults, and warehouse, hazardous materials and other miscellaneous storage sheds. The 3.5 acres that would be retained as Reclamation's Fallon Field Office include three Reclamation trailer units (one office and two storage) and a Reclamation mobile home that is used as a residence of the District's groundkeeper. See photographs of property features in Figures 1 -18.

#### 1.4 Purpose and Need

The purpose of the proposed action is to transfer the Newlands Project Headquarters and Maintenance Facility from the Secretary of the Interior (through Reclamation) to the District. The action is needed to comply with Public Law 109-265 which directs Reclamation to implement the title transfer.

#### 1.5 Public Involvement, Consultation and Coordination

A letter describing the proposed Project Headquarters conveyance and requesting scoping comments for development of the EA was sent to a mailing list of interested parties on January 31, 2007. Press releases on the proposed project requesting comments were released on January 31, 2007 to Reclamation's Regional "Mid-Pacific All the News" list. The list consists of television, radio, newspapers, and regional entities interested in Reclamation's actions. The Fallon Star Press and Lahontan Valley News were included in the press release. The press release was posted on the Bureau of Reclamation's website.

The proposed conveyance project and request for scoping comments were also placed on the District's website, the Lahontan Valley Environmental Alliance website calendar, and the Newlands Water Protective Association website.

Four comment letters were received on the proposed Project Headquarters conveyance: State of Nevada Clearinghouse, Truckee-Carson Irrigation District, City of Fallon, and the U.S. Fish and Wildlife Service Stillwater National Wildlife Refuge Complex. All four entities were in support of the conveyance and did not provide any issues or concerns to be analyzed in the EA.

A consultation letter dated February 6, 2007 requesting scoping comments on the proposed title transfer was sent to the Fallon Paiute-Shoshone Tribe (Tribe) pursuant to federal legislation and executive orders concerning Native American government-to-government consultation, including NEPA and Indian Trust Assets. A letter dated February 5, 2007 was also sent to the Tribe by Reclamation's Regional archaeology staff in accordance with 36 CFR Part 800.4(a)(4) requesting information regarding properties of religious or cultural significance within the Project Headquarters conveyance area pursuant to 36 CFR Part 800.4. Reclamation did not receive comments from the Tribe on the proposed Project Headquarters conveyance.



Figure 1. Shop Building – Exterior



Figure 2. Shop Building – Vehicle/Equipment Storage





Figure 3. Shop Building – Interior



Figure 4. Carpenter Shop



Figure 5. Fuel Tanks/Convaults

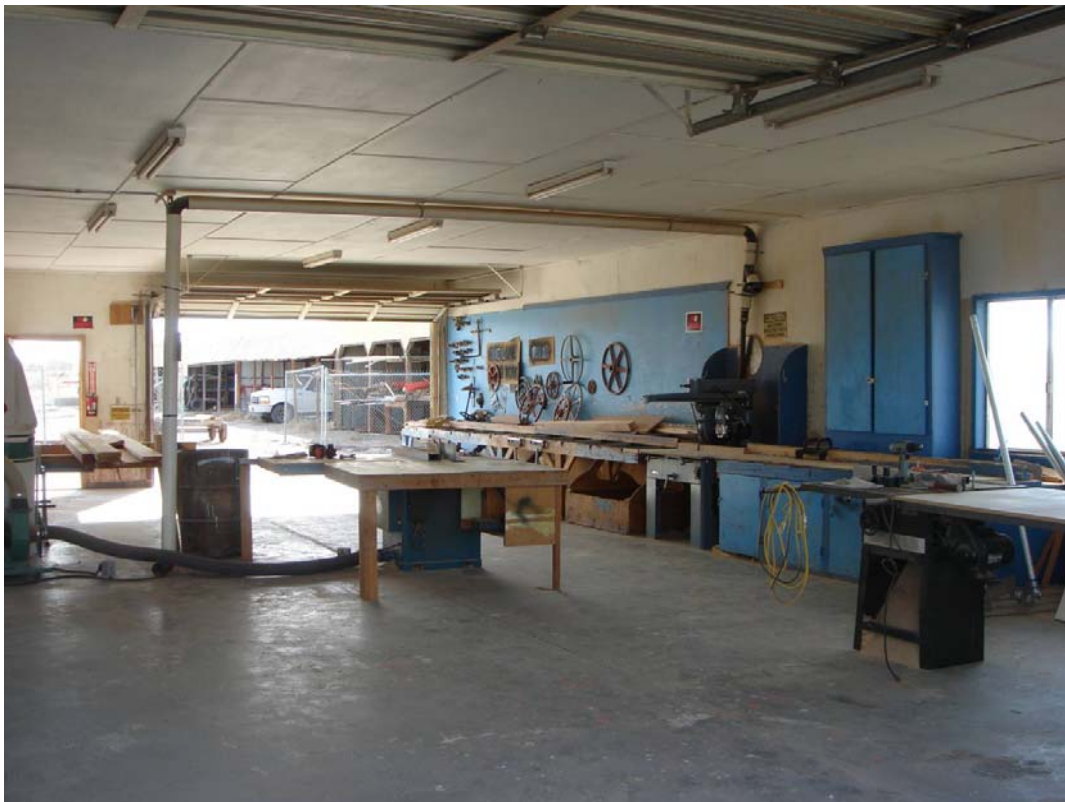


Figure 6. Carpenter Shop – Interior





Figure 7. Carpenter Shop – Interior Machinery



Figure 8. Water Tank



Figure 9. Storage Warehouse



Figure 10. Storage Shed – Hazardous Materials



Figure 11. Storage Yard - Rock and Gravel Stockpiles



Figure 12. Storage Yard





Figure 13. Field Area (Weeds)



Figure 14. Storage Buildings





Figure 15. Storage Sheds



Figure 16. Storage Yard



Figure 17. Equipment Storage



Figure 18. Reclamation Trailers

### Agency Consultation:

Reclamation consulted on the proposed conveyance with the Nevada State Historic Preservation Office (SHPO). SHPO provided concurrence to Reclamation on the determination of effects in a letter dated April 3, 2007 (Appendix C).

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Proposed Action - Alternative 1**

The proposed action is derived from the Public Law 109–265 (Appendix B) and the Memorandum of Agreement Between United States of America Bureau of Reclamation, United States Department of the Interior and Truckee-Carson Irrigation District – Conveyance of Newlands Project Headquarters and Maintenance Yard Facility Newlands Project, Nevada (Appendix D). All actions and agreements in both the Public Law and the Memorandum of Agreement are requirements for the Proposed Action. In addition, the lease in Appendix E outlines the terms of the Reclamation’s lease to the District for the mobile home residence of the District’s groundkeeper located on the property to be retained by Reclamation.

Under the Proposed Action the Secretary shall convey to the District all right, title, and interest of the United States to the Newlands Project Headquarters and maintenance Yard Facility as outlined on the map in Figure 19. The District would receive title of approximately 37.03 acres of withdrawn land and Reclamation would retain approximately 3.5 acres of withdrawn land for its Fallon Field Office. The following additional agreements between the District and Reclamation are included in the Proposed Action:

#### ***Use of District Entry/Driveway***

The District will allow Reclamation, its employees, agents, contractors and assigns to utilize the existing main entry/driveway for purposes of ingress and egress until such time as *Reclamation* constructs its own entry/driveway.

#### ***Use of Water Well***

The District will provide water from the existing well to Reclamation’s facilities located at 2674 Harrigan Road, Fallon; the District will provide water for an indefinite period of time. Reclamation will maintain and repair the water lines servicing the Reclamation facilities. Reclamation may discontinue the use of the well at any time and will be responsible for all expenses of discontinuing its use of the well. The District assumes no responsibility or liability for the quality of the water provided from the well nor the manner in which the water is used. The District will maintain and repair the well to ensure availability of water to serve Reclamation’s needs.

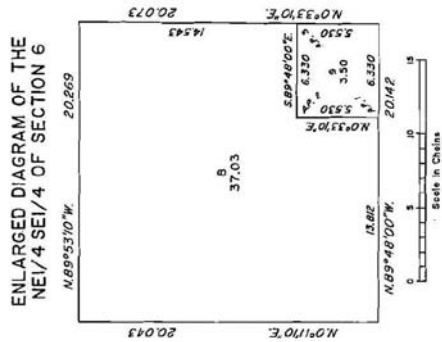
#### ***Use of Septic System***

The District may use the east leach field until that field fails or is otherwise no longer useable and may discontinue use of the east leach field at its discretion and will pay all costs associated with discontinuing use of the field. The District will, upon failure of the east leach



ORIGINAL

DEPENDENT RESURVEY, SUBDIVISION AND METES-AND-BOUNDS SURVEY



A history of surveys is contained in the field notes.  
This plot represents the dependent resurvey of a portion  
of the subdivision line described in the original survey  
in their true original locations according to the best  
available evidence, the subdivision of section 6 and a  
metes-and-bounds survey in section 6, Township 18 North,  
Range 29 East, Mount Diablo Meridian, Nevada.  
Except as indicated herein, the listings and areas are as  
shown on the plat approved March 20, 1889 and April 1, 1875.  
Survey executed by C. L. L. Winkler, Cadastral Surveyor,  
beginning June 12, 2003, and completed June 18, 2003,  
pursuant to Special Instructions dated June 12, 2003, for  
Group No. 833, Nevada.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Reno, Nevada September 4, 2003

This plat is strictly conformable to the approved field notes  
and the survey, having been correctly executed in accordance  
with the requirements of law and the regulations of this Bureau,  
it hereby accepted.

For the Director

*David J. Clark*

Acting Chief Cadastral Surveyor, Nevada

T.18N., R.29E., M. V.

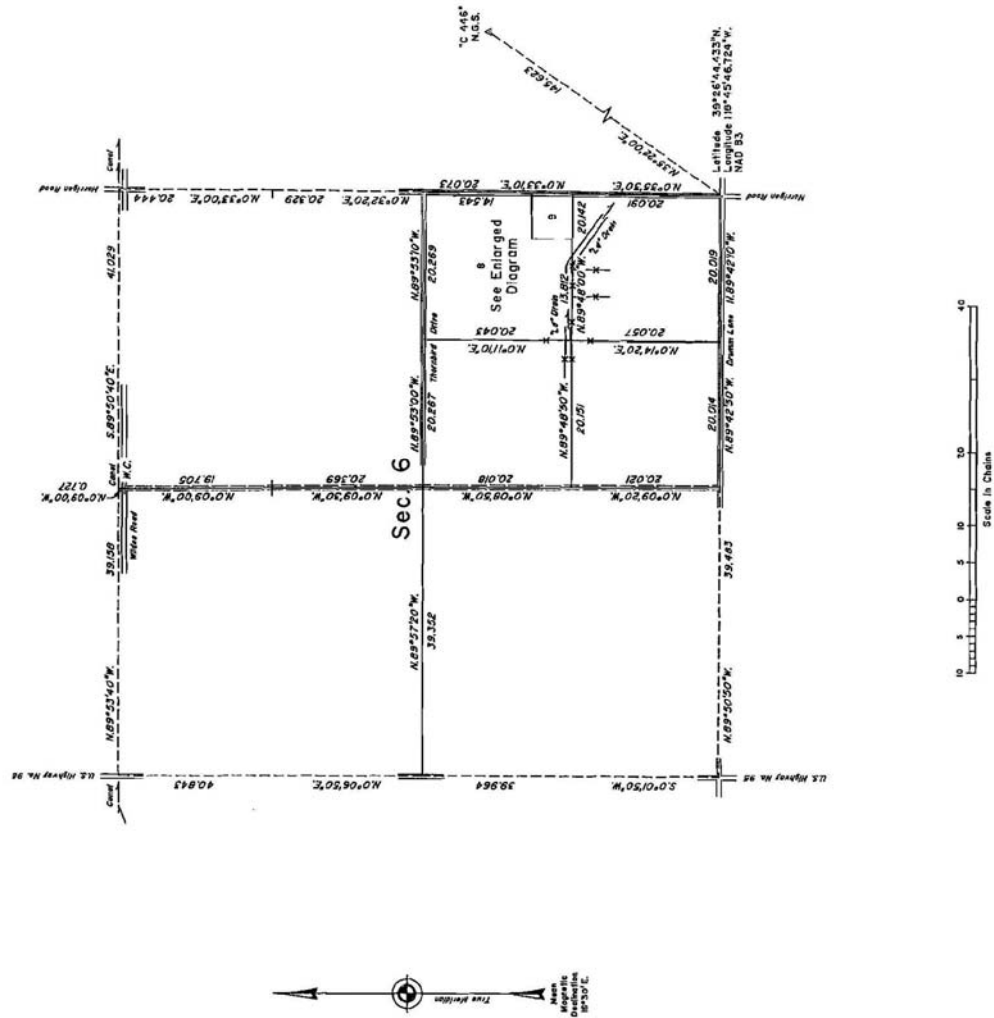


Figure 19. Newlands Project Headquarters and Maintenance Yard Facility

field or at that time that the east leach field is no longer useable, arrange for sewage disposal on their property or off-site disposal at District expense. The District will maintain and repair the east leach field and appurtenant septic tank and sewer lines at District expense.

Reclamation will use, maintain and repair the west leach field as shown and appurtenant septic tank and sewer lines at Reclamation expense.

### ***Resolution of Liability Issues***

The District agrees to indemnify and hold harmless the United States, its employees, agents and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of District's activities under the Memorandum of Agreement.

### **2.2 No Action Alternative - 2**

Reclamation would maintain title to the property and continue the lease of the Project Headquarters to the District. The 37.03 acres would not be conveyed to the District.

## **3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

Unless otherwise noted, the environmental consequences of resources analyzed in this chapter are the same for the No Action and the Proposed Action.

No indirect effects of the Proposed Action were identified for any of the resources analyzed in this environmental assessment.

### **3.1 Climate**

#### **AFFECTED ENVIRONMENT**

The climate in the vicinity of the Project Headquarters is characterized as a mid-latitude desert with cold winters, hot summers, abundant sunshine and low relative humidity. Annual precipitation averages 5.2 inches. The average daily minimum temperature over a 30-year period for the Fallon area was documented as 17°F in January and average daily maximum temperature in July was 92°F (Dollarhide, 1975).

#### **ENVIRONMENTAL CONSEQUENCES**

Neither the Proposed Action or the No Action alternatives would have any effect on climate.

### 3.2 Soils

#### AFFECTED ENVIRONMENT

Soils within the boundaries of the Project Headquarters property are highly compacted from many years of vehicle and heavy equipment traffic. Fallon Soils Series (Fallon Fine Sandy Loam) consist of very deep, moderately well drained soils that formed in alluvium derived from mixed sources. Soils are moderately well drained and have very low surface runoff and moderately rapid permeability. Fallon soils occur on flood plains and low stream terraces. The climate is arid with cool, moist winters and hot, dry summers. Under natural conditions, these soils are moist in winter and early spring and dry in late spring through fall.

#### ENVIRONMENTAL CONSEQUENCES

No adverse effects to soils on the Project Headquarters property are expected from either the Proposed Action or the No Action alternative. It is expected that soil compaction would continue from vehicle and equipment use on the site, but continued use would have very little effect on the already heavily compacted soils.

### 3.3 Water Resources

#### AFFECTED ENVIRONMENT

Water Quality of groundwater: The principal source of water for water supply at the Project Headquarters comes from the basalt aquifer with wells that tap into the aquifer extending 500-600 feet in depth. Studies have shown that the quality of water in aquifers underlying the basalt aquifer is poor, with dissolved solids and arsenic concentrations greatly exceeding drinking-water standards. Both the District and Reclamation employees currently drink bottled water due to the poor quality of the tapwater.

Surface Water: No surface water features exist on the property and no surface water flows into the property.

Surface Water Discharge: As noted under existing conditions for soils on the site, soil compaction is high and soil drainage is poor. Infiltration of precipitation on the site is low, however stormwater run-off is not a concern as the average annual precipitation of Fallon is only 5.2 inches per year.

#### ENVIRONMENTAL CONSEQUENCES

Existing water resources will not be affected by either the Proposed Action or the No Action alternatives. The quality of the drinking water for those working at the Project Headquarters site remains a health concern; it is expected that District and Reclamation staff will both continue to need to drink bottled water in the future.

### 3.4 Biological Resources

#### AFFECTED ENVIRONMENT

##### *Vegetation, Fish and Wildlife*

The Project Headquarters site does not support habitat for any federally listed or candidate plant or wildlife species and none of these species are known to occur in the vicinity of the site. The Project Headquarters property exhibits highly disturbed ground and is an active maintenance yard facility that is not conducive to wildlife habitation. Wildlife habitat on the site is of poor quality; there are no trees on the property, native shrubs are minimal, and the site is comprised primarily of mostly bare ground interspersed with patches of dense weeds, primarily Russian thistle and cheatgrass.

The site has no surface water and therefore no aquatic species.

#### ENVIRONMENTAL CONSEQUENCES

Neither the Project Headquarters conveyance Proposed Action or the No Action would have any effect upon wildlife species or vegetation on the property. Physical conditions of the land are expected to stay the same under either alternative, though weed colonization may increase over time.

### 3.5 Land Use

#### AFFECTED ENVIRONMENT

Commencing on August 31, 1972, Reclamation has leased to the District use of 40 acres of withdrawn land as a site for office headquarters, administration building and an operations and maintenance yard. The District signed a repayment contract for the Project Headquarters with the United States in 1926 and fulfilled that obligation in 1996. The District expressed a desire to have title to 37.03 acres of withdrawn land conveyed to the *District*, pursuant to an act of Congress, and Reclamation expressed a desire to retain 3.5 acres of withdrawn land at that same location for its Fallon Field Office.

#### ENVIRONMENTAL CONSEQUENCES

##### Proposed Action

The District has indicated that they intend to continue using the Project Headquarters land and facilities in the same manner as current use. The District may make improvements to the office and the facilities, however operations will continue in the same manner as they have in the past. The District will continue to observe rules, guidelines, and procedures required of all public agencies in the State of Nevada. No change or adverse effects to land use are expected from the conveyance of the property to the District.



### No Action

The United States would retain title to the property. It is likely that Reclamation would continue leasing the Project Headquarters site to the District indefinitely.

### 3.6 Cultural Resources

#### AFFECTED ENVIRONMENT

A cultural resources survey was conducted by Reclamation archaeologists implementing pedestrian transects. Total area of the Project Headquarters surveyed was approximately twenty acres. East-west 15-30 meter parallel transects were utilized spanning across the open area north and west of the District office building, covering approximately ten acres. Irregular transects were conducted along portions of the southern border of the property and amongst the buildings and stored equipment in the areas exhibiting the least disturbance, totaling approximately six acres. The west and north boundaries were surveyed, approximately four acres total, but not the interior portion where the area was completely disturbed by repeated materials spoiling and equipment storage and removal.

#### ENVIRONMENTAL CONSEQUENCES

No prehistoric or historic cultural resources were identified within the Area of Potential Affect. Pursuant to 36 CFR Part 800.4(d)(1). No historic properties will be affected by either the Proposed Action conveyance or the No Action.

### 3.7 Economics

#### AFFECTED ENVIRONMENT

The United States receives minimal income from the lease to the Project Headquarters to the District. Reclamation also expends minimal administration costs for the lease. The Project Headquarters site includes employment for three Reclamation and approximately 50 District employees.

#### ENVIRONMENTAL CONSEQUENCES

### Proposed Action

Under the proposed conveyance, the United States would no longer receive lease funds from the District. The amounts received by the United States for the sale of Newlands Project land comprising the Fallon Freight Yard are treated as consideration for the Project Headquarters conveyance. No change in employment numbers for either Reclamation or the District are expected from the proposed conveyance.

### No Action

The United States would continue to receive funds from the lease of the Project Headquarters to the District and expend funds to administer the lease. No change in employment numbers from present would occur for either Reclamation or the District.

### 3.8 Air Quality

#### AFFECTED ENVIRONMENT

Air quality in the Lahontan Valley is good overall and in attainment for all monitored air quality pollutants. Air quality is affected at times by blowing sand and dust from the surrounding desert landscape, unpaved roads and fallow agricultural fields. Effects of additional air pollutants, such as smog or smoke from wood burning or controlled burns, are generally considered low in the area. Air quality on the property is slightly lowered by vehicle/equipment use causing intermittent dust and minor amounts of exhaust emissions.

#### ENVIRONMENTAL CONSEQUENCES

Air Quality in the vicinity of the Project Headquarters would remain unchanged from current conditions under either the Proposed Action or No Action alternative.

### 3.9 Hazardous Materials

#### AFFECTED ENVIRONMENT

A Level I survey of the TCID Headquarters was conducted on December 13, 2006 as part of the process to convey the Project Headquarters to the District. The purpose was to determine the potential for contaminants and identify obvious signs of contamination on site. Reclamation and District employees participated in the survey. State and EPA records were reviewed to determine the status of any previously reported contamination and whether the site was listed as a state site or on the National Priority List. The Level I survey findings (Appendix F) did not indicate contaminants on site or obvious effects of contamination.

#### ENVIRONMENTAL CONSEQUENCES

Neither the Proposed Action of conveying the Project Headquarters or the No Action alternatives are expected to have any effect on hazardous materials or contamination of the property. The District has indicated that when the property is conveyed they will continue operations in the same manner as current and will comply with all rules, guidelines, and procedures required of all public agencies in the State of Nevada.

### 3.10 Noise

#### AFFECTED ENVIRONMENT

The maintenance yard facility generates noise from the heavy equipment use, loading and unloading dirt and rock, and general maintenance yard activities. The noise is sporadic and occurs during the day, usually during business hours. The noise is not considered excessive for the area and likely does not adversely impact adjacent properties.

## ENVIRONMENTAL CONSEQUENCES

The noise associated with the Project Headquarters and Maintenance Yard would likely continue under either alternative, but is not at a level that is considered an adverse impact.

### 3.11 Indian Trust Resources

#### AFFECTED ENVIRONMENT

Indian Trust Resources are legal interests in property or natural resources held in trust by the United States for Indian Tribes or individuals. The Secretary of the Interior is the trustee for the United States on behalf of Indian Tribes. All Department of Interior bureaus share the Secretary's duty to act responsibly to protect and maintain Indian trust resources reserved by or granted to Indian Tribes or Indian individuals by treaties, statutes, and Executive orders. These rights are sometimes further interpreted through court decisions and regulations. Examples of trust resources are lands, minerals, hunting and fishing rights, and water rights. The Department of the Interior carries out its activities in a manner that protects trust resources and avoids adverse impacts when possible. When adverse impacts cannot be avoided, appropriate mitigation or compensation is to be provided in consultation with the affected Tribes and/or individuals.

There is one Tribe in the vicinity of the city of Fallon and the Project Headquarters, the Fallon Paiute-Shoshone Tribe (Tribe). Trust resources of this Tribe include land, water rights, and wildlife; incomes are derived from these resources. The Fallon Paiute-Shoshone Indian Reservation is located in Churchill County in west-central Nevada, approximately 10 miles northeast of Fallon. The reservation was created following the General Allotment Act of 1887, when members of the Paiute and Shoshone Tribes were allotted about 31,360 acres in the Lahontan Valley. An additional 840 acres adjoining the north boundary of the reservation were set aside in 1917. Currently, 5,513 of the 8,156 acres of the reservation are water righted and approximately 1,800-3,175 acres have been irrigated. The Tribe has dedicated reservation acreage to be used for wetland habitat for wildlife. The Fallon Indian Colony was established with 40 acres, with an additional 20 acres added in 1958; Colony land is used for residential and commercial purposes. Public Law 101-618 established the \$43-million Fallon Paiute-Shoshone Tribal Settlement Fund. Interest on this fund may be spent according to the Fallon Tribes' fund investment and management plan.

#### ENVIRONMENTAL CONSEQUENCES (Same for Proposed Action and No Action)

There are no trust resources of the Tribe within the affected area or vicinity of the Project Headquarters conveyance and the conveyance would not affect trust resources of the Tribe.

Therefore, there are no effects to the Tribe from either the Proposed Action or the No Action alternatives.

### 3.12 Environmental Justice

Executive Order No. 12898 (1994), “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” provides that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations. Environmental justice programs promote the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities.

EPA guidelines for evaluating potential adverse environmental effects of projects require specific identification of minority populations when a minority population either exceeds 50 percent of the population of the affected area or represents a meaningfully greater increment of the affected population than of the population of some other appropriate geographic unit.

As identified under 1.5 Public Involvement, Consultation and Coordination, public involvement has occurred throughout the NEPA process for the proposed action. The proposed conveyance does not involve facility construction, population relocation, health hazards, hazardous waste, property takings or substantial economic impacts. Consequently, it is concluded that implementing the Project Headquarters and Maintenance Yard Facility conveyance would have no adverse human health or environmental effects on minority or low-income populations as defined by environmental justice policies or directives.

## **4.0 OTHER NEPA CONSIDERATIONS**

### 4.1 Cumulative Impacts

A cumulative impact is an impact that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes with such actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Another Reclamation facility also located in Fallon Nevada, the 6.35-acre Fallon Freight Yard, was transferred to the City of Fallon in April 2007. The two properties combined result in a total reduction of Reclamation withdrawn land of 46.88 acres, both within the city limits of Fallon. Reclamation has undertaken a program to transfer title of agency facilities that are not of national importance and could be efficiently and effectively managed by non-federal entities. The transfer of these facilities is in compliance with Reclamation policy and would not have any adverse effects on either the United States or the Newlands Project. Impacts to the City of Fallon and the District from these transfers are beneficial.

Conveyance of the Project Headquarters from the United States to the District has no known adverse cumulative impacts on the environment when considered with other past, present, or reasonably foreseeable future actions.

#### 4.2 Short-term Uses of the Environment and Long-term Productivity

NEPA requires consideration of the relationship between short-term uses of the environment and long-term productivity associated with a proposed action. The proposed action to convey title of the Project Headquarters to the District is an administrative action that would not result in a direct physical change to the environment. No effect to short term uses of the environment or long-term productivity would occur from the proposed action.

#### 4.3 Irreversible and Irretrievable Commitments of Resources

*Irreversible commitments* are decisions affecting renewable resources such as soils, wetlands and waterfowl habitat. Such decisions are considered irreversible because their implementation would affect a resource that has deteriorated to the point that renewal can occur only over a long period of time or at great expense, or because they would cause the resource to be destroyed or removed.

*Irretrievable commitment* of natural resources means loss of production or use of resources as a result of a decision. It represents opportunities forgone for the period of time that a resource cannot be used. Irretrievable refers to the permanent loss of a resource including production, harvest, or use of natural resources. For example, production or loss of agricultural lands can be irretrievable, while the action itself may not be irreversible.

The proposed conveyance will not result in any permanent reduction or loss of a resource. Therefore, no irreversible and irretrievable commitments of resources would occur under the proposed action.

### **5.0 LIST OF PREPARERS**

Caryn Hunt DeCarlo, Natural Resources Specialist, U.S. Bureau of Reclamation

Terri Edwards, Supervisory Land and Water Specialist, U.S. Bureau of Reclamation

### **6.0 REFERENCES**

Dollarhide, William, E. 1975. Soil Survey, Fallon-Fernley Area, Nevada, Parts of Churchill, Lyon, Storey, and Washoe Counties. U.S. Department of Agriculture, Soil Conservation Service, Washington D.C., 112 p.

## **7.0 APPENDICES**

- A. Framework For the Transfer of Title - Bureau of Reclamation Projects
- B. Public Law 109-268, “Newlands Project Headquarters and Maintenance Yard Facility Transfer Act”
- C. Section 106 of the National Historic Preservation Act compliance documentation
- D. Memorandum of Agreement Between United States of America Bureau of Reclamation, United States Department of the Interior and Truckee-Carson Irrigation District – Conveyance of Newlands Project Headquarters and Maintenance Yard Facility Newlands Project, Nevada
- E. Truckee-Carson Irrigation District Headquarters Level I Survey



## **Appendix A**

**FRAMEWORK FOR THE TRANSFER OF TITLE  
BUREAU OF RECLAMATION PROJECTS  
AUGUST 7, 1995**

**BACKGROUND**

The Reclamation program was founded in 1902. Its original mission was one of civil works construction to develop the water resources of the arid Western United States to promote the settlement and economic development of that region. The results of that work are well known in the hundreds of projects that were developed to store and deliver water. That substantial infrastructure made Reclamation the largest wholesale supplier of water in the United States, the sixth largest electric power generator, and the manager of 45 percent of the surface water in the Western United States. Many of these projects were constructed at a time when there were no local communities and utilities. Today much of the West is settled and is, in some respects, the most urbanized region of the country. Reclamation owns and operates public utility facilities which, if located in other parts of the country, would likely be owned, operated, and funded by publicly regulated private corporations or local government agencies. While it has been Reclamation's policy for decades to transfer operation and maintenance of projects to local entities where and when appropriate, interest in the actual transfer of title (with its attendant responsibilities) is now growing.

**PURPOSE**

As part of the second phase of the National Performance Review (REGO II), Reclamation is undertaking a program to transfer title of facilities that could be efficiently and effectively managed by non-Federal entities and that are not identified as having national importance. This effort is recognition of Reclamation's commitment to a Federal Government that works better and costs less. The transfer of title will divest Reclamation of the responsibility for the operation, maintenance, management, regulation of, and liability for the project. The transfer of title to a project will, in effect, sever Reclamation's ties with that project<sup>1</sup>.

**SCOPE OF APPLICATION OF FRAMEWORK**

It is the intent of Reclamation to transfer title and responsibility for certain projects or facilities, when and where appropriate, to qualifying non-Federal interests. Uncomplicated projects are projects or facilities where there are no competing interests, the facilities are not hydrologically integrated with other projects, the financial arrangements are relatively simple and easily defined, and the legal and institutional concerns<sup>2</sup> associated with a transfer can be readily addressed. In other words, after meeting the requirements set forth in the Criteria section below, projects will be selected

---

<sup>1</sup> Reclamation recognizes that the complete severance of the relationship between Reclamation and the transferee may not be possible in all instances.

<sup>2</sup> Such concerns include, but are not limited to, unresolved Native American claims, endangered species considerations, international or interstate issues, absence of consensus among beneficiaries, significant disagreements raised by the stakeholders, a need to prepare an Environmental Impact Statement, and substantive objections from other governmental agencies.

Reclamation will comply with National Environmental Policy Act and other applicable laws in all transfers<sup>3</sup>.

All transfers must ensure the United States' Native American trust responsibilities are satisfied. In addition, outstanding Native American claims that are directly pending before the Department and that would be directly affected by the proposed transfer will be resolved prior to transfer.

Reclamation officials will meet with representatives from all interested Federal and State agencies to consider their concerns early in the transfer process.

Potential transferees must be competent to manage the project and be willing and able to fulfill all legal obligations associated with taking ownership of that project, including compliance with Federal, State, and tribal laws that apply to facilities in private ownership and assumption of full liability for all matters associated with ownership and operation of the transferred facilities. Potential transferees must be able to demonstrate the technical capability to maintain project safety on a permanent basis and an ability to meet financial obligations associated with the project.

In general, it is Reclamation's expectation that, upon the transfer of title to a project, its jurisdiction over that project will be divested. Reclamation further recognizes that in some cases the complete divestiture of jurisdiction may not be attainable because the transferee still receives water supplied from a Reclamation facility, or only a portion of the project was transferred and the rest of the project remains in Federal ownership, or there are other extenuating circumstances. The degree to which the Reclamation Reform Act of 1982 will apply following transfer will be negotiated on a case-by-case basis.

The financial interests of the Government and general taxpayers will be protected. Transferees must agree to fair and equitable terms based upon the factual circumstances associated with each project. (See attachment which describes the valuation of projects.) Transferees will be expected to pay up front the estimated transaction costs, such as costs associated with compliance with the National Environmental Policy Act, real estate boundary surveys, and so forth. Reclamation will not provide new loans to finance transfers.

No transferred Federal asset will be considered for federal assistance for project operation, maintenance, and replacement or capital construction purposes following completion of the transfer.

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<sup>3</sup> Reclamation is proceeding to develop a new Categorical Exclusion (CE) for those title transfers which would not significantly impact the environment and thus could be categorically excluded from a detailed NEPA review. Generally, Reclamation would anticipate such a CE would apply on projects involving transfer of title of Reclamation projects or facilities, in whole or in part, to entities who would operate and maintain the facilities or manage the lands so that there would be no significant changes in operations and maintenance or in land and water use in the reasonably foreseeable future. It is Reclamation's expectation that a CE would apply to relatively small number of projects, i.e. some of the small single-purpose projects where no change in use is anticipated after the transfer.

for title transfer on the basis of the transfer being achievable and able to move forward quickly.

For purposes of this document and the transfer of title to the projects, the terms "beneficiary" and "stakeholder" are defined as follows: (a) beneficiary refers to (i) contractors and others who receive direct benefits under the authorized purposes for that project and (ii) non-Federal governmental entities in the project area; (b) stakeholder is a broader term and includes the beneficiaries, as well as those individuals, organizations, or other entities which receive indirect benefits from the project or may be particularly affected by any change from the status quo.

#### **CRITERIA FOR TITLE TRANSFER**

Following are the six major criteria that must be met before any project is transferred:

- 1) The Federal Treasury, and thereby the taxpayer's financial interest, must be protected
- 2) There must be compliance with all applicable State and Federal laws
- 3) Interstate compacts and agreements must be protected
- 4) The Secretary's Native American trust responsibilities must be met
- 5) Treaty obligations and international agreements must be fulfilled
- 6) The public aspects of the project must be protected

#### **GENERAL GUIDANCE FOR DETERMINING PROJECTS ELIGIBLE FOR TRANSFER**

Reclamation Area offices will review projects nominated by an interested transferee and will pursue negotiations regarding those projects where the issues associated with transfer are relatively easy to resolve. This could include projects with multiple purposes and numerous stakeholders, but only if it is clear that outstanding issues are resolved and that there is consensus among the stakeholders.

Reclamation will not initiate negotiations on those projects where title transfer will involve a protracted process to ensure that the six criteria listed above are met.

Generally, Reclamation will not pursue transfer of powerhouses and generating facilities where power is marketed by the Power Marketing Administrations or where such power is used for purposes not directly associated with project purposes.

#### **GENERAL GUIDELINES APPLYING TO TRANSFERS**

All transfers will be voluntary.

Reclamation's intent is to transfer projects to current project beneficiaries, including non-Federal governmental entities, or to entities approved by the current beneficiaries.

All transfers must have the consent of other project beneficiaries. If another beneficiary raises substantive objections which cannot be resolved, the project will remain in Federal ownership.



Prior to the initiation of detailed discussions on title transfer, Reclamation and the potential transferees will execute an agreement covering the responsibilities of all parties during the negotiations.

A base value will be determined for each project as it becomes the subject of serious negotiations for transfer. (See attached guidance on valuation.) The negotiated price for the project may deviate up or down from the base value. It will be necessary for Reclamation and the interested non-Federal entity to document how the factual circumstances and equitable treatment considerations justify such adjustments. In addition, Reclamation may consider future uses on the transferred lands and waters in establishing a price.

Potentially affected State, local, and tribal governments, appropriate Federal agencies, and the public will be notified of the initiation of discussions to transfer title and will have (1) the opportunity to voice their views and suggest options for remedying any problems and (2) full access to relevant information, including proposals, analyses, and reports related to the proposed transfer. The title transfer process will be carried out in an open and public manner.

Once Reclamation has negotiated an agreement with a transferee, Reclamation will seek legislation specifically authorizing the negotiated terms of the transfer of each project or feature.

## **Appendix B**



Public Law 109–265  
109th Congress

An Act

To direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Newlands Project Headquarters and Maintenance Yard Facility Transfer Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the memorandum of agreement between the District and the Secretary identified as Contract No. 3–LC–20–805 and dated June 9, 2003.

(2) **DISTRICT.**—The term “District” means the Truckee-Carson Irrigation District in the State of Nevada.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.**

(a) **CONVEYANCE.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) **DESCRIPTION OF PROPERTY.**—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as “2666 Harrigan Road, Fallon, Nevada”;  
and

(B) identified for disposition on the map entitled  
“Newlands Project Headquarters and Maintenance Yard  
Facility”.

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

I22 (1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relating to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

## **Appendix C**



JIM GIBBONS  
Governor

MICHAEL E. FISCHER  
Department Director

STATE OF NEVADA  
DEPARTMENT OF CULTURAL AFFAIRS  
State Historic Preservation Office  
100 N. Stewart Street  
Carson City, Nevada 89701  
(775) 684-3448 • Fax (775) 684-3442  
www.nvshpo.org

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
APR 09 2007		
CA 4/10	CODE 150	ACTION /
SURNAME & DATE		
RONALD M. JAMES		
State Historic Preservation Officer		

April 3, 2007

Susan M. Fry  
Regional Environmental Officer  
U.S. Bureau of Reclamation  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento CA 95825-1898

RE: Truckee-Carson Irrigation District Headquarters and Maintenance Yard Title  
Transfer, Lahontan Valley, Churchill County.

Dear Mr. Fry:

The Nevada State Historic Preservation Office (SHPO) reviewed the subject undertaking. The SHPO concurs with the U.S. Bureau of Reclamation's determination that the proposed undertaking will not pose an effect to any historic properties.

If buried and previously unidentified resources are located during project activities, the SHPO recommends that all work in the vicinity of the find cease and this office be contacted for additional consultation per 36 CFR 800.13.b.3..

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Sincerely,

*Rebecca Lynn Palmer*

Rebecca Lynn Palmer  
Review and Compliance Officer, Archaeologist

Classification	ENV 3.00
Project	39
Contract No.	07025684
Region ID	1026146
Date Input & Initials	RAJ 4/9/07

**From:** Amy Barnes  
**To:** Deshler , William BC ; HuntDeCarlo, Caryn  
**Date:** 4/10/2007 12:03:30 PM  
**Subject:** TCID Headquarters Transfer (07-LBAO-002)

The Newlands Project Headquarters and Maintenance Yard Facility Transfer Act (Public Law 106 265) directs the Secretary of Interior to convey to TCID all right, title, and interest of the United States in the real property within the Newlands Project identified for disposition as the "Newlands Project Headquarters and Maintenance Yard Facility." Pursuant to this Act, Reclamation completed a cultural resources inventory and sent a consultation package to SHPO with a finding of no historic properties affected (36 CFR Part 800.4(d)(1). SHPO concurred with Reclamations' findings that there will be no historic properties affected by transferring ownership of the TCID Headquarters and Maintenance Yard (see attached letter).

This concludes the Section 106 process. Thank you for the opportunity to review the proposed action. Please place a copy of this concurrence in the project file.

Amy J. Barnes  
Archaeologist  
U.S. Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way, MP-153  
Sacramento, CA 95825  
916-978-5047  
abarnes@mp.usbr.gov

**CC:** mp153



## **Appendix D**

June 9, 2003

Contract No. 3-LC-20-8052

**MEMORANDUM OF AGREEMENT  
BETWEEN  
UNITED STATES OF AMERICA  
BUREAU OF RECLAMATION,  
UNITED STATES DEPARTMENT OF THE INTERIOR  
AND  
TRUCKEE-CARSON IRRIGATION DISTRICT  
  
CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND  
MAINTENANCE YARD FACILITY  
NEWLANDS PROJECT, NEVADA**

This Memorandum of Agreement (MOA) is made this \_\_\_\_9th\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2003, between the United States of America, acting through the Bureau of Reclamation, United States Department of the Interior (*Reclamation*) and the Truckee-Carson Irrigation District of Fallon, Nevada (*District*), pursuant to the Act of June 17, 1902 (32 Stat. 388) and all acts amendatory thereof or supplemental thereto, commonly referred to as the Federal Reclamation Laws, and all other legislation, policy and regulations as may apply.

Whereas, the United States of America constructed the Newlands Project and lands were withdrawn from the public domain to be administered by *Reclamation*;

Whereas, *Reclamation*, commencing on August 31, 1972, has leased to the *District* use of 40 acres of withdrawn land, described as the NE1/4SE1/4 of Section 6, T. 18 N., R. 29 E., M.D.B. & M., as a site for office headquarters, administration building and O&M Yard;

Whereas, the *District* has expressed a desire to have title to about 35.6 acres of withdrawn land conveyed to the *District*, pursuant to an act of Congress, and *Reclamation* has expressed a desire to retain about 4.4 acres of withdrawn land at that same location for its Fallon Field Office;

Therefore, both parties agree to the following terms, conditions and identified tasks to be observed by or performed by the respective parties in accomplishing the conveyance of title:

***Use of District Entry/Driveway***

1. *District* will allow *Reclamation*, its employees, agents, contractors and assigns to utilize the existing main entry/driveway for purposes of ingress and egress until such time as *Reclamation* constructs its own entry/driveway.

### ***Use of Water Well***

1. *District* will provide water from the existing well to *Reclamation's* facilities located at 2674 Harrigan Road, Fallon.
2. *District* will provide water for an indefinite period of time.
3. *Reclamation* will maintain and repair the water lines servicing the *Reclamation* facilities.
4. *Reclamation* may discontinue the use of the well at any time. *Reclamation* will be responsible for all expenses of discontinuing its use of the well.
5. *District* assumes no responsibility or liability for the quality of the water provided from the well nor the manner in which the water is used.
6. *District* will maintain and repair the well to ensure availability of water to serve *Reclamation's* needs.

### ***Use of Septic System***

1. *District* may use the east leach field as shown on Attachment 1 until that field fails or is otherwise no longer useable.
2. *District* may discontinue use of the east leach field at its discretion and will pay all costs associated with discontinuing use of the field.
3. *District* will, upon failure of the east leach field or at that time that the east leach field is no longer useable, arrange for sewage disposal on their property or off-site disposal at *District* expense.
4. *District* will maintain and repair the east leach field and appurtenant septic tank and sewer lines at *District* expense.
5. *Reclamation* will use, maintain and repair the west leach field as shown on Attachment 1 and appurtenant septic tank and sewer lines at *Reclamation* expense.

### ***Cadastral Survey of Property***

1. At *Reclamation's* expense, *Reclamation* will contract with the Nevada State Office, Bureau of Land Management, to conduct a cadastral survey to locate, monument and delineate the boundaries of the land to be transferred to the *District* and land to be retained by *Reclamation*.

### ***NEPA and Cultural Resources Compliance***

1. *Reclamation* staff will prepare an Environmental Assessment (EA), and complete a Level 1 contaminant survey checklist. Any necessary further analyses resulting from the EA or the checklist (including cultural resource surveys, a Phase I environmental site assessment, or a Phase II environmental site assessment), and any necessary remediation or removal shall be completed at the direction of *Reclamation*.
2. *Reclamation* and the *District* will each pay 50 percent of the cost of the EA and the Level I contaminant survey. *District* shall pay all other costs of environmental analysis, remediation or removal.

### ***Realty Expenses and Issuance of Transfer Documents***

1. Any realty expenses and expenses for issuance of transfer documents shall be the sole responsibility of *District*.
2. *District* shall address any issues related to title, prior to conveyance of title.

### ***Resolution of Liability Issues***

1. Prior to conveyance of title, *District* shall resolve all liability issues relating to the property (including issues of environmental liability).
2. *District* hereby agrees to indemnify and hold harmless the United States, its employees, agents and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of *District's* activities under this Agreement.

### ***Good Faith of Parties***

Both parties pledge their good faith in observing and carrying out the terms, conditions and identified tasks of this Agreement. Nothing contained herein shall be construed to obligate *Reclamation* to expend funds or obligate the United States of America in any contract or other obligation for the future payment of money in excess of appropriations authorized by law and administratively allocated for the purposes contemplated hereunder.

### ***Effective Date***

This Agreement will become effective upon signature by both parties and may be amended, modified or terminated only by mutual written agreement of both parties.

---

IN WITNESS WHEREOF, the parties have subscribed their names as of the date first above written.

UNITED STATES OF AMERICA

Elizabeth Ann Rieke

Area Manager  
Bureau of Reclamation  
Lahontan Basin Area Office  
705 N. Plaza, Room 320  
Carson City, Nevada 89703

TRUCKEE-CARSON IRRIGATION DISTRICT

Ernest H. Chan

President, Board of Directors  
2666 Harrigan Road  
P. O. Box 1356  
Fallon, Nevada 89407-1356



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**TRUCKEE-CARSON IRRIGATION DISTRICT  
RESOLUTION**

**AUTHORIZING THE PRESIDENT OF THE BOARD OF  
DIRECTORS TO EXECUTE  
MEMORANDUM OF AGREEMENT (MOA)  
REGARDING TRANSFER OF TCID HEADQUARTERS AND YARD**

At a regular meeting of the Board of Directors of the Truckee-Carson Irrigation District held at the office of said District on the 9<sup>th</sup> day of June, 2003, the following Resolution was approved and adopted:

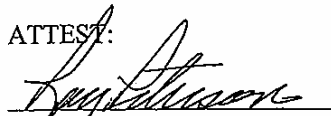
IT IS HEREBY RESOLVED that the President of the Board of Directors is hereby authorized and directed, on behalf of the Truckee-Carson Irrigation District, to execute the Memorandum of Agreement (MOA) between the United States Bureau of Reclamation and the Truckee-Carson Irrigation District regarding the transfer of TCID headquarters and yard.

PASSED AND ADOPTED by the following Board members present at a regular meeting of the Board of Directors of the Truckee-Carson Irrigation District on the 9<sup>th</sup> day of June, 2003:

Ernest C. Schank  
Richard Harriman  
Ray Peterson  
Lester deBraga  
Jerry Blodgett  
Donald R. Travis

  
Ernest C. Schank, President

ATTEST:

  
Ray Peterson, Secretary  
(SEAL)

## **Appendix E**

Contract Number  
03-LC-20-8137

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

LEASE OF RECLAMATION BUILDING

**RECITALS:**

The United States Bureau of Reclamation acquired a certain building for the establishment of a field office in connection with the Newlands Project, Churchill County, Nevada. The Truckee-Carson Irrigation District is currently responsible for the operation and maintenance of the building. The Bureau of Reclamation has determined that the lease to the Truckee-Carson Irrigation District of the building and surrounding land as a residential unit is not at this time incompatible with the purpose for which the building and surrounding land were obtained.

**IT IS AGREED:**

1. **THIS LEASE** is given this *25<sup>th</sup>* day of *August* 2003, in pursuance of the Act of June 17, 1902 (32 Stat. 388), Section 10 of the Act of August 4, 1939 (53 Stat. 1187) and Acts amendatory thereof or supplementary thereto, by THE UNITED STATES OF AMERICA, acting by and through its Bureau of Reclamation (Reclamation), Department of the Interior, represented by the duly authorized officer executing this lease to:

Truckee-Carson Irrigation District  
2666 Harrigan Road  
P. O. Box 1356  
Fallon, Nevada 89407-1356

The Truckee-Carson Irrigation District shall be referred to hereinafter as the "Lessee".

2. The Building and surrounding land that is the subject of this lease is described as follows and shall be referred to hereinafter as the "Building":

Building located at 2674 Harrigan Road, Churchill County, Nevada.  
Manufactured in 1983 by Central Homes, Inc.  
COL 024037  
COL 024038  
Surrounding land of not more than 50 feet to the east, south, and north of  
the Building and not more than 25 feet to the west of the Building.

12. The Lessee shall comply with all applicable laws and regulations of the United States, the State of Nevada and local authorities. In addition the Lessee shall comply with the following hazardous materials restrictions:

(a) The Lessee shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, et seq., and the regulations promulgated pursuant to that Act.

(c) The Lessee may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(d) The Lessee shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(e) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Lessee liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of violation.

(f) Reclamation agrees to provide information necessary for the Lessee, using reasonable diligence, to comply with the provision of this Article.

13. In the event cultural resources (human remains, artifacts, cultural debris-bone, shell, charcoal, wood) are discovered during actions authorized herein, Lessee shall be responsible for ceasing project activity within the proximity of the cultural find. If Native American human remains are discovered on Federal land 25 USC 3002, Sec. 3(d) of the Native American Graves Protection and Repatriation Act (NAGPRA) applies. The Lessee shall cease all activity in the discovery area and contact Reclamation Mid-Pacific Regional Archeologist, to determine appropriate actions to comply with NAGPRA and the National Historic Preservation Act. In addition, upon such discovery, the Lessee shall report the find to local authorities as required by local, state and Federal law.

14. The Lessee shall maintain the Building in like condition as when taken, except for reasonable wear and damage by the elements, and shall not cause damage to surrounding Reclamation facilities.

---

12. The Lessee shall comply with all applicable laws and regulations of the United States, the State of Nevada and local authorities. In addition the Lessee shall comply with the following hazardous materials restrictions:

(a) The Lessee shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, et seq., and the regulations promulgated pursuant to that Act.

(c) The Lessee may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(d) The Lessee shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(e) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Lessee liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of violation.

(f) Reclamation agrees to provide information necessary for the Lessee, using reasonable diligence, to comply with the provision of this Article.

13. In the event cultural resources (human remains, artifacts, cultural debris-bone, shell, charcoal, wood) are discovered during actions authorized herein, Lessee shall be responsible for ceasing project activity within the proximity of the cultural find. If Native American human remains are discovered on Federal land 25 USC 3002, Sec. 3(d) of the Native American Graves Protection and Repatriation Act (NAGPRA) applies. The Lessee shall cease all activity in the discovery area and contact Reclamation Mid-Pacific Regional Archeologist, to determine appropriate actions to comply with NAGPRA and the National Historic Preservation Act. In addition, upon such discovery, the Lessee shall report the find to local authorities as required by local, state and Federal law.

14. The Lessee shall maintain the Building in like condition as when taken, except for reasonable wear and damage by the elements, and shall not cause damage to surrounding Reclamation facilities.

15. Each provision of this lease shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this lease shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or the lease as a whole.

IN WITNESS WHEREOF this Lease is given as of the date of execution written below.

**UNITED STATES OF AMERICA**

Elizabeth Ann Rebe  
Area Manager  
Lahontan Basin Area Office  
Bureau of Reclamation  
705 N. Plaza Street, Room 320  
Carson City, Nevada 89701

**ACCEPTED:**

The Lessee, and its authorized representatives, by signature below, agree to the terms and conditions above.

Truckee-Carson Irrigation District  
P. O. Box 1357  
Fallon, Nevada 89407-1356  
(775) 423-2141

By: Ernest C. Schank  
Ernest C. Schank  
President, Board of Directors  
Title

File Code	Und-6.00
Project	NEW
Control No	300,560
Folder ID	5311



## **Appendix F**

June 20, 2007

LO-950  
PRJ-19.00

MEMORANDUM

To: Lahontan Basin Area Office Files  
From: Harvey Edwards, Nevada CEM 1588  
Engineer

*Harvey S. Edwards*

Subject: Truckee-Carson Irrigation District Headquarters Level I Survey

I conducted a Level I survey of the Truckee-Carson Irrigation District (District) Headquarters on December 13, 2006 as part of the process to transfer District Headquarters land to the District. The purpose was to determine the potential for contaminants and identify obvious signs of contamination on site.

I was accompanied on the survey by Walt Winder of the District. I also talked to District employees Ted Renfro (District Yard Supervisor), Kate Rutan (District hazardous materials records), and Dave Overvold (District Project Manager) as well as Reclamation employee, Jim Lively, to identify and confirm prior and current land use. I reviewed State of Nevada (State) and Environmental Protection Agency records to determine the status of any previously reported contamination and whether the site was listed as a State site or on the National Priority List. A 2006 aerial photo was used to locate and identify site buildings and features.

The Level I survey findings (attached) did not indicate contaminants on site or obvious effects of contamination.

Attachment

cc: LO-100 (Rieke), -400 (Hahne), -450 (Huntt DeCarlo), -440 (Edwards, Terri),  
LO-480 (Deshler)

LEVEL I SURVEY  
CONTAMINANT SURVEY CHECKLIST  
OF PROPOSED REAL ESTATE ACQUISITIONS  
BUREAU OF RECLAMATION

INSTRUCTIONS: Check for each category. Explain briefly where something other than "No," "None," or "Not Applicable" is checked. Discuss whether a Level II or III survey will be recommended. Describe the distance if "Nearby" is checked and whether there is a known potential pathway for contamination on the site. Attach a legal description of the real estate property covered by this survey.

A. Background Information.

Project TCID Headquarters Transfer  
Property ID \_\_\_\_\_ County Churchill State NV  
Owner US Government  
Date of Survey 12/13/2006

B. Site Inspection Screen: Onsite and Nearby.

	ONSITE	NEARBY	NONE
1. Dumps, especially with drums, containers (read labels if possible; do not open or handle! If no labels, note identifying characteristics.)	_____	_____	X _____
2. Other debris: household, farm, industrial waste.	X _____	_____	_____
<b>Non-hazardous industrial waste (wood and construction debris) located on western side of property (identified on aerial photo). No visible concerns. Confirmed use of area with Walt Winder (TCID). Area is approximately 80 feet in diameter.</b>			
3. Fills; possible cover for dumps.	_____	_____	X _____
4. Unusual chemical odors.	_____	_____	X _____
5. Storage tanks; petroleum products, pesticides, etc.	X _____	_____	_____

**TCID has 2 ASTs used to fuel TCID vehicles. The tanks**

conform to current regulations. There is light staining at the dispensing area but no indication of leakage.

Two (2) USTs located just east of the shop were removed in 1993 under State oversight. Contaminated soils and groundwater were found. Contaminated soils were disposed of off site. Four monitoring wells were installed and monitored through 1996. The site was closed by the State under NAC 459.9977 in August 1997. Monitoring ceased and the wells were abandoned at that time.

An oil water separator and propane tank are located on the south side of the shop. Used oil is disposed of by contract. Pesticides for vegetation and pest control are stored in a controlled area in the warehouse. The responsible employee is a licensed applicator.

- |     |  |       |       |       |       |
|-----|--|-------|-------|-------|-------|
| 6.  | Buildings; chemical storage,<br>equipment repair, solvents.  | X     | _____ | _____ | _____ |
|     | The site contains maintenance, carpenter, and welding shops. Chemical and solvents are stored in appropriate lockers. Degreasers are maintained by Safety Kleen. The facility does not have an EPA generator number. |       |       |       |       |
| 7.  | Structures; evidence of asbestos-sprayed fire proofing, acoustical plaster, etc.   | _____ | _____ | X     | _____ |
| 8.  | Vegetation different from surrounding for no apparent reason, e.g., bare ground.   | _____ | _____ | X     | _____ |
| 9.  | "Sterile" or modified water bodies.  | _____ | _____ | X     | _____ |
| 10. | Oil seeps, stained ground, discolored stream banks.  | _____ | _____ | X     | _____ |
| 11. | Oil slicks on water, unusual colors in water.  | _____ | _____ | X     | _____ |
| 12. | Spray operation base: air strip, equipment parking area.   | X     | _____ | _____ | _____ |
|     | Gravel vehicle/equipment parking to east and south of shop. No noticeable leakage.   |       |       |       |       |

There is an equipment storage area on the west side of the

property. Equipment includes water tanks, culverts and machinery. Winder (TCID) indicated that used tanks and culverts are stored in the area until needed. Some of the machinery appeared unusable. Winder indicated that fluids were removed.

13. Machinery repair areas. X

See item 6 for discussion of shop area.

- |  |   |
|--|---|
| 14. Pipelines; major electrical equipment. | X |
|--|---|

A number of transformers were identified in a storage yard just west of the warehouse. Labels indicated that the transformers did not contain PCBs.

15. Oiled or formerly oiled roads. X

16. Electrical transmission lines:  
pole mounted transformers - X  
evidence of leaking.

C. Record Searches (Coordinate with Realty, Title Search, Others as Appropriate).

1. Past uses which might indicate potential problems of site (CIRCLE any that are applicable).

Manufacturing; air strip; pipelines; rail lines; facilities with large electrical transformers or pumping equipment; petroleum production; landfills; scrap metal, automobile, or battery recycling; military; laboratories; wood preserving; other:

Describe: None: X

2. Nearby land uses, especially upstream or upgradient, or that might have had waste to dump at site (see list under past uses).

Identify: None: X

3. Known contaminant sites in the vicinity: NPL, state sites, candidate sites (check with Environmental Protection Agency (EPA); state EPA counterpart).

Yes:                      No:      X

4. Interviews on past use: owners, neighbors, county agents, and any appropriate Federal authorities. Problems?

Yes: \_\_\_\_ No: X

5. Agricultural drainage history: surface, subsurface drains.

Yes: X No: \_\_\_\_

**Parcel was at one time configured as an agricultural field. The soils were inadequate and the homestead was relinquished to Reclamation in the 1930s. The parcel was subsequently made available for TCID use.**

**Agricultural drains run along the east boundary and just outside the south boundary of the parcel. An irrigation ditch is located on the east side of Harrigan Road.**

D. In acquiring land from another Federal agency, that agency has notified the Department of the Interior of past or current presence of a hazardous substance under section 120(h) of CERCLA (Superfund).

Not Applicable: X Yes: \_\_\_\_ No: \_\_\_\_

E. Has a non-Federal entity identified any hazardous materials problems on or near the surveyed?

Yes: \_\_\_\_ No: X

F. A Level II study is recommended. Yes: \_\_\_\_ No: X

A Level III study is recommended. Yes: \_\_\_\_ No: X

G. Certification (CHECK ONE).

X I hereby certify that to the best of my knowledge no contaminants are present on this real estate, and there are no obvious signs of any effects of contamination.

\_\_\_\_ On the basis of the information collected to complete this form, it is possible to reasonably conclude that there is a potential for contaminants, or the effects of contaminants, to be present on that real estate. (CHECK ONE.)

\_\_\_\_ Level II or a \_\_\_\_ Level III survey will be performed.



\_\_\_\_\_ The surveyed real estate, or a portion thereof, contains contaminants. The owner of that real estate has/will clean up the contaminants to the Bureau of Reclamation's specifications at no cost to the United States. A Level II or III survey is not required.

Examiner

Signed: Harvey S Edwards Print Name: Harvey S Edwards  
Date: 4/17/07 Title: Engineer/CEM 1588

H. Reviewing Official

Signed: Locke E Hahne Print Name: Locke E Hahne  
Date: 6/20/07 Title: Manager, O&M Division

I. Approving Official

I concur with the above recommendation.

Signed: Elizabeth Ann Rieke Print Name: Elizabeth Ann Rieke  
Date: 6/20/07 Title: Area Manager

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